

REMARKS

Claims 1-50 are now pending in this application. The non-final Office Action mailed March 8, 2004 rejected claims 1-48. Claims 27, 29, and 42 were objected to in the Office Action. Claims 13-14 and 18 are canceled. Claims 1, 7-11, 15, 19, 27, 29, 38, and 42 were amended, and claims 49-50 are added. No new matter has been added, and it is respectfully submitted that each of the present claims find basis and support in the application as filed. Additionally, the non-final Office Action found the declaration to be defective. For the reasons discussed in detail below, Applicants submit that the pending claims are patentable over the art of record and respectfully request that the Examiner pass this application to issue.

Oath/Declaration

The Office Action found the declaration to be defective because no dates were provided with the signatures of inventors Reza P. Rassool and Brain A. Baker. In response, a supplemental declaration has been signed and dated, and is now in compliance with 37 C.F.R. 1.67(a).

Claim Objections

The Office Action objected to claims 27, 29, and 42 because of various informalities. In response, these claims have been amended to correct the noted informalities.

Claim Rejections - 35 U.S.C. §112

The Office Action rejected claims 7-10 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter for which applicant regards as the invention. Claims 7-10 have been amended for no other reason than to correct the insufficient antecedent basis.

Claim Rejections - 35 U.S.C. §102

The Office Action rejected claims 1-8, 10-15, 17-24, 27-32, 36-43, and 47-48 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,675,174 to Bolle et al. (hereinafter "Bolle"). Applicants respectfully traverse this rejection.

Applicants respectfully submit, the prior art does not anticipate or render obvious the claimed invention. Briefly, Claim 1 recites a method for identifying a media file, the method comprising, among other things, enabling a customer to generate a media file identifier for a known media file, and searching a collection of machine readable data based on exclusion information to locate an unknown media file therein. As described in the specification, the invention enables customers that do not want outside entities to have access to their media files to generate recognition data (media file identifiers) themselves. See Specification, at paragraph 0131. Moreover, the invention employs exclusion information that identifies third parties that have copies of tracked media by permission. This exclusion file may be employed to exclude network presences from a search. See Specification, at paragraphs 0132-0133.

Unlike the claimed invention, however, Bolle does not disclose or suggest enabling a customer to generate a media file identifier. Moreover, Bolle does not perform a search of a collection of machine readable data based on exclusion information. Instead, Bolle merely describes detection and retrieval of known stream-oriented data by, in part, performing an off-line indexing phase where representations for a set of known video (information) reference segments are computed and stored in a segment index. For each segment, a set of key intervals are determined which are coded by a set of domain code. See Bolle, Col. 7, lines 45-65. In Bolle's search and detection phase, the process of computing domain code, feature code pairs is repeated in real time from a target media stream. See Bolle, Col 8, lines 12-20. Bolle also describes a search for digital copies of media on the Internet using a segment index table that represents a reference media segment, and further using a filter to generate a list of URL's for downloading software. See Bolle, Col. 27, lines 20-54. However, Bolle does not disclose nor suggest employing exclusion information in conjunction with the search. Nor does Bolle disclose or suggest enabling the

customer to generate the media file identifier. Thus, for at least these reasons, Bolle neither anticipates nor makes obvious the claimed invention.

Claims 2-12, 15-17, 19-26, and 49 depend from independent Claim 1. Therefore, for at least the same reasons as discussed above these dependent claims are also not anticipated or rendered obvious by Bolle. Thus, Claims 2-12, 15-17, 19-26, and 49 are in condition for allowance.

Regarding claims 9, 16, 33-35, and 44-46, the Office Action notes that Bolle does not explicitly disclose the identifier generating algorithm as an up-down coding algorithm. However, the Office Action attempts to note that the Bolle's algorithm for audio files is similar to the claimed up-down coding algorithm. Moreover, the Office Action attempts to take Official notice that the up-down coding algorithms were in common usage, while providing no documentary evidence of such a position. Therefore, Applicants respectfully disagree.

Bolle merely describes, in Figure 9 and at Col. 17 line 30 through Col. 20 line 59, an example of the use of a Fourier transform for computing feature codes for the audio track. This is not similar to the claimed up-down code as described in the Applicants' specification at paragraphs 0120-0121. The up-down code described in the specification encodes transitions from one note to the next in the audio as a binary 1 if the note goes up in frequency and is encoded as a zero if it goes down in frequency. The algorithm produces a succession of ones and zeros that indicate whether the melody goes up or down from note to note. This sequence of zeros and ones comprises a unique media file identifier. Such sequence of zeros and ones is neither disclosed nor suggested by Bolle's algorithm. Nor has the examiner provided any documentary evidence that the claimed up-down coding algorithm was in common usage at the time the invention was made. Thus, Bolle could not have motivated one to reduce the computation complexity of Bolle's current Fourier transform by adding the claimed up-down coding algorithm to Bolle's system. Thus, for at least this reason, Bolle does not anticipate nor make obvious claims 9, 16, 33-35, and 44-46. Moreover, Applicants traverse the Official Notice, and respectfully request the examiner to provide documentary evidence regarding the common usage of the claimed up-down coding algorithm.

Regarding Claims 10, 17, 31, and 42, the Office Action further argues that Bolle discloses the media file identifier being generated by an identifier generating algorithm that is a word count algorithm by arguing that the word count is the same as a segment counter. The Applicants respectfully disagree. As described in Bolle, a segment appears to be a media segment or stream. Thus, a segment count is a number of reference media segments to be indexed. See Bolle, Col. 9, lines 34-35, and the table at Col 10, lines 45-64. This is unlike the word count described and claimed in Claim 10, 17, 31, 42, and 50.

As described in the specification, binary data may be grouped into units called words. A measure of the number of words used to encode images or groups of images of a video can be used to generate an identifier for each video. See specification at paragraph 0036. Thus, a word, and therefore a word count is not suggested or disclosed by Bolle's segment counter. Therefore, for at least this reason, Bolle neither anticipates nor makes obvious Claims 10, 17, 21, and 42.

Amended independent Claims 27, 38, and 50 recite claim limitations similar to, albeit them different, to those of Claim 1 discussed above. Therefore, for at least the same reasons as recited above for independent Claim 1, amended Claims 27, 38, and 50 are also allowable. Furthermore, Claims 28-37, and 39-48 depend from amended independent Claims 27 and 38, respectively. Therefore, for at least the same reasons as discussed above, Claims 28-37, and 39-48 are also not anticipated or rendered obvious by Bolle, and are in condition for allowance.

CONCLUSION

By the foregoing explanations, Applicants believe that this response has responded fully to all of the concerns expressed in the Office Action, and believes that it has placed each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone applicant's attorney at the number listed below.

Dated: July 8, 2004

Respectfully submitted,

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Attachment:
Supplemental Declaration

Customer No: 07278